



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 19-0919, Version: 1

REPORT TO COUNCIL

SUBJECT

Approve the Third Amendment to Outside Counsel Agreement with Liebert Cassidy Whitmore for General Employment Advice

REPORT IN BRIEF

Approval is requested for a Third Amendment to the Outside Counsel Agreement with the law firm of Liebert Cassidy Whitmore for legal services for general employment advice. This Third Amendment is needed to increase the not-to-exceed contract amount by \$50,000, for a total new not-to-exceed contract amount of \$150,000 for the provision of legal services for general employment issues through the term of the Agreement, which expires June 30, 2020.

BACKGROUND

Suzanne Solomon, a partner in the law firm Liebert Cassidy Whitmore in San Francisco, is an experienced trial lawyer who has represented public entities, private companies and individuals in a wide range of employment disputes. Ms. Solomon and her firm were retained by the City Attorney under Section 908 of the City Charter to represent the City and provide legal services, consultation and advice. The Agreement was entered in August 2014, and the not to exceed amount has been increased twice to the current not to exceed amount of \$100,000. The term of the Agreement expires in June 2020.

DISCUSSION

The law firm Liebert Cassidy Whitmore ("LCW") in San Francisco specializes in providing public sector labor and employment advice. The City Attorney retained LCW pursuant to Section 908 of the City Charter to provide legal services, consultation and advice on a variety of labor and employment matters that arise from time to time. This Agreement was entered in August 2014, and the not to exceed amount has been increased twice to the current not to exceed amount of \$100,000. The term of the Agreement expires June 30, 2020.

It is anticipated that labor and employment issues could arise in the upcoming year requiring LCW's specialized expertise that may incur up to an additional \$50,000 in legal fees. Therefore, it is necessary to amend the Agreement to increase the not to exceed amount by \$50,000, for a new not-to-exceed amount of \$150,000.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378 (b) (4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

FISCAL IMPACT

Budgeted funding is available in the Human Resources operating program.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

RECOMMENDATION

Authorize the City Attorney to execute a Third Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Liebert Cassidy Whitmore to increase the not-to-exceed contract amount by \$50,000, for a total new not-to-exceed contract amount of \$150,000.

Prepared by: Nelia Lopez, Legal Secretary

Reviewed and Approved by: John A. Nagel, City Attorney

ATTACHMENT

1. Draft Third Amendment to Outside Counsel Agreement